

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41815 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

'to issue a writ, order or orders more particularly one in the nature of Writ of Mandamus directing them to take immediate action to remove the illegal hutments by resettling the hut dwellers at appropriate places while also further directing the Respondents not to provide the amenities described in the huts by allotting the Municipal Numbers so as to regularize their illegal settlements and also pass any further order in that regard declaring the inaction on the part of the Respondents as arbitrary, unreasonable and illegal as well as contrary to the laws by which their functions are respectively governed, as well as violative of the right to equality and equal protection of law under Art.14 of the Constitution and amounting to cause infringement of right to life under Art.21 and 300-A of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of Justice."

(Reproduced verbatim)

2. I have heard the submissions of *Sri D.Pochaiah*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration and Urban Development representing the 1st respondent; *Sri P.Krishna Reddy*, learned Standing Counsel representing the 2nd respondent; learned Government Pleader for Revenue appearing for the 3rd respondent; *Sri R.Vinod Reddy*, learned Standing Counsel appearing for the 4th respondent; *Sri T.Sudhakar Reddy*, learned Standing Counsel appearing for the 5th respondent. I have perused the material record.

3. The case of the petitioner and his grievance, in brief, are as follows:

‘The petitioner is one of the residents of Vigyanpuri colony, Vidyanagar, Hyderabad. Some persons having occupied by-lanes of the colony made unauthorised construction of huts by blocking the passages, by-lanes and roads. They are discharging the contaminated water on to the said lanes, roads and passages. The said acts of the said persons resulted in unhygienic conditions. Due to the said condition and acts of such persons, the flat owners in the area are being affected and are being exposed to health hazards. Despite representations being given, neither the respondents 1 and 2 nor the 6th respondent have taken any action. Therefore, the last representation was given, on 30.08.2017, requesting the authorities concerned to disconnect the electric service connection and water service connection to the said unauthorised hutments constructed illegally on bye-lanes, roads and passages and to remove the same. Despite such representations, no action is taken. Hence, the present writ petition is filed.’

4. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the respondents 2 & 5 to consider and dispose of the representation, dated 30.08.2017, the ends of justice would be met.

5. Learned Standing Counsel appearing for the 2nd respondent would submit that appropriate action would be taken, if necessary, in accordance with the procedure established by law.

6. Learned Standing Counsel appearing for the 5th respondent submits that if the constructions are unauthorised and if action is taken by the concerned authority for removal of the same, water supply connections, if any, given will be removed as a sequel to such action.

7. Recording the afore-said submissions, the Writ Petition is disposed of directing the Deputy Commissioner concerned of the GHMC and the authority

concerned of the 6th respondent to consider and dispose of the representation, dated 30.08.2017, of the petitioner within six weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, after affording an opportunity of hearing to both the petitioner as well as the persons that may be affected by the action which the petitioner is requesting to be taken in the matter. The decision that may be taken in the matter shall be communicated by the said authorities to the petitioner within a week after taking such a decision.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

18.12.2017
RAR



M. SEETHARAMA MURTI, J